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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,272	10/05/2005	James Michael Mattern	26978A-002710US	2138
77196 7590 04/02/2009 Townsend and Townsend and Crew LLP Two Embarcadero Center San Francisco, CA 94111-3834				
EXAMINER				
KOYAMA, KUMIKO C				
ART UNIT		PAPER NUMBER		
2887				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,272

Applicant(s)

MATTERN, JAMES MICHAEL

Examiner

KUMIKO C. KOYAMA

Art Unit

2887

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12, 15-25, 27, 29, 30, 32-42, 44, 47-61, 63 and 64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12, 15-25, 27, 29, 30, 32-42, 44, 47-61, 63 and 64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-846)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Amendment received on December 17, 2008 has been acknowledged.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-9, 12, 15-25, 27, 29, 30, 32-35, 37-42, 44, 47-61, 63 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kovlakas (US Patent Application Publication No. 2003/0089765 A1) in view of Sansone (US 6,108,643).

Kovlakas discloses that the mailer sometimes decides not mail the mail piece after postage has been applied to the mail piece (Paragraph [0005], lines 4-6). The mailer also may decide not to mail the mail piece, because the mail piece is not mailable, since the mail piece jammed in the printer, the indicium and/or address was not correctly printed, the flap of the envelope fused to the throat of the envelope before a letter was inserted into the envelope, etc (Paragraph [0005], lines 7-12). In Fig. 1, Kovlakas shows a mail piece 11 with an indicia 14 and an address 12. Also in Fig. 2, Kovlakas shows a mail piece 21 with an indicia 24 and an address 32. The indicia is a postage imprint, and the address is a sensitive information. Kovlakas discloses a refund kiosk 53 and 58 that includes a scanner 54, 59 (Paragraph [0019], lines 1-2 and Paragraph [0020], lines 1-2). Device 58 may be located at a United States Postal Service facility (Paragraph [0020], lines

9-11). When someone did not want to post a mail piece that contained indicia 14, 24 and they wanted a refund for the postage debited, they would have scanner 50, 52 scan indicia 14, 24 (Paragraph [0021], lines 1-5 and Paragraph [0022], lines 1-5). Such disclosure teaches presenting at least one of the spoiled mail item and the associated postage imprint to a postage service, so that the sensitive information is not readable by the postage service. Meter 40, Computer 44 or Computer 47 would check with transaction log server to determine if the information scanned from the indicia was reported to log server, and the post has not cancelled the indicia (Paragraph [0021], lines 4-7 and Paragraph [0022], lines 5-8). Log server would credit meter, postal security device or computer for the value of the indicia when the printer voided the indicia (Paragraph [0021], lines 7-10 and Paragraph [0022], lines 8-10). Such disclosure teaches refunding the value applied to the spoiled mail item based on a determination by the postage service, the determination based at least in part on the postage imprint.

Kovlakas fails to teach validating a post imprint associated with a mail item in a mail item stream, wherein the postage imprint does not satisfy at least one validation criterion. Kovlakas also separating the spoiled mail item from the mail item stream.

Sansone discloses that decision block 422 determines whether or not the permit identification number was found in the permit list contained in memory (col 6, lines 54-56). Sansone discloses that if the block 422 determines that the number was not in the list, the program goes to block 423 and then to decision block 510 (col 6, lines 55-60). Decision block 510 determines whether or not the operator has removed an invalid mail piece from meter. If the block 510 determines that the operator removed an invalid mail piece, the program goes to decision block 520 (col 7, lines 15-20).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Sansone to the teachings of Kovlakas such that an automatic determination of a spoiled mail piece can be determined for those mail pieces that have damaged postage imprints.

3. Claims 3 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kovlakas in view of Sansone as applied to claims 2 and 35 above, and further in view of Tajima (US 4,797,937). The teachings of Kovlakas as modified by Sansone have been discussed above.

Kovlakas as modified by Sansone fails to teach that the validation criterion requires the postage imprint to have at least one physical characteristics, comprising at least one of a position, size, and color of the postage imprint.

Tajima discloses a postage stamp identifying apparatus, in which color characteristic patterns of the stamp are extracted as feature vector from a stamp, and the detector color characteristic pattern of the stamp is compared with each of standard color characteristic patterns prepared beforehand for known stamp (col 1, lines 42-50).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Tajima to the teachings of Kovlakas as modified by Sansone because different color postage are utilized to identify a certain type of mail, and therefore, color can be used to easily determine whether the correct postage is applied.

Response to Arguments

4. Applicant's arguments with respect to claims 1-9, 12, 15-25, 27, 29, 30, 32-42, 44, 47-61, 63 and 64 have been considered but are moot in view of the new ground(s) of rejection.

Applicant amended the claims with new limitation, such as “the determination based at least in part on the postage imprint.” Such new limitation necessitated new search and consideration.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KUMIKO C. KOYAMA whose telephone number is (571)272-2394. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kumiko C. Koyama/
Primary Examiner, Art Unit 2887
March 28, 2009